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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,247	01/31/2002	Barbara Liskov	CIS01-16(4324)	2786

7590 11/16/2004

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EXAMINER

PEIKARI, BEHZAD

ART UNIT	PAPER NUMBER
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2186

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/066,247

Applicant(s)

LISKOV ET AL.

Examiner

B. James Peikari

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17 and 18 is/are allowed.
- 6) ☒ Claim(s) 1,5,9,13 and 19-21 is/are rejected.
- 7) ☒ Claim(s) 2-4,6-8,10-12,14-16 and 22-29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The previous objection to the title is withdrawn due to the amendment filed on October 12, 2004.
2. The previous objection to the disclosure based on the use of hyperlinks within the text is withdrawn due to applicant's statement submitted on page 21 of the remarks attached to the amendment of October 12, 2004 that it is necessary to have them in the specification in order to comply with the requirements of 35 USC 112, first paragraph.
3. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 5, 9, 13 and 19-21 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by White, How Computers Work, pages 234-235.

Because of the particular language used, such as “obtaining content” and “content-originating device” and “computerized” and “locations” and “device”, the claims would have been taught by a number of network systems, including the very well known Internet. The above claims are broad enough in scope to have been taught by the White’s fundamental description of how data travels the internet.

White teaches, in a computerized device (e.g., *the router of Step 3*), obtaining content from a content-originating device (e.g., *the remote computer at the destination of Step 7*) by:

Identifying a location-path having a series of locations which leads from the computerized device to the content-originating device (*note that Step 3 includes inspecting the request to determine the addressed destination and determining the best path based on available connections*), wherein each location includes a set of devices (e.g., *supercomputers, repeaters, hubs, bridges and gateways, note Step 6*), and wherein the set of devices of at least one location includes multiple devices (*note that the LAN crossed in step 6 contains multiple computers*);

Selecting a device-path from the computerized device to the content-originating device based on the identified location-path (*note that Step 5 includes creating packets, based on the destination address and the available connections, that include addresses to particular devices along the path to make sure the request arrives intact at the destination*), wherein the selected device path includes at least one device of each location of the series of locations (*as the request travels through each location, it must*

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pass through a device – a line and/or antenna and/or satellite, supercomputers, repeaters, hubs, bridges and gateways, etc.); and

Acquiring the content from the content-originating devices from at least one of the devices along the selected device path (*note Step 7*).

Furthermore, as for a second computerized device serving as a content-fetching leader, this could be any of a number of devices further down that path than the router, for example the gateway in Step 6, which, once data is sent to it from the remote computer, may send the data back to the router (of Step 3) that originally forwarded the request.

Response to Amendment

6. With regard to the remarks attached to the amendment of October 12, 2004, these have been carefully considered, but are not deemed to place all of the claims in condition for allowance. In particular, this Office action is deemed to satisfy applicant's request that it be pointed out with particularity where White shows each specific step of claim 1.

Allowable Subject Matter

7. Claims 17 and 18 are allowed.

8. Claims 2-4, 6-8, 10-12, 14-16 and 22-29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Peikari whose telephone number is (571) 272-4185. The examiner is generally available between 7:00 am and 7:30 pm, EST, Monday through Wednesday, and between 5:30 am and 4:00 pm on Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Kim, can be reached at (571) 272-4182.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Tech Center 2100 central hotline at (571) 272-2100.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 746-7239 (Official communications)

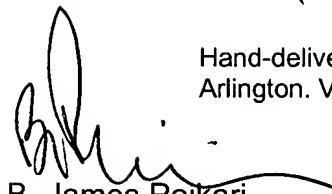
or:

(703) 746-7240 (for Informal or Draft communications)

or:

(703) 746-7238 (for After-Final communications)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).



B. James Peikari
Primary Examiner
Art Unit 2186

11/9/04